

Antessa Clark McCloud

Complainant

v.
Denis McDonough, Secretary
Veterans of
Affairs.

Defendant

COMPLAINT


I Contessa CLARK MCCLoud, AM
Filing A CIVIL ACTION UNDER Title
VII (DISCRIMINATION due to RACE,
COLOR, SEX AND REPRISAL) UNDER THE
REHABILITATION ACT OF 1973, AS
AMENDED (DISCRIMINATION due to DISABILITY).

I AM A 54 year OLD BLACK
female with Feet AND BACK DISABILITIES.

PLEASE, I request that the Court
APPOINT AN ATTORNEY to represent
me AND THAT the Court permit me to
file the ACTION without payment of
fees, COSTS, or other security?

THANK YOU,
Contessa CLARK MCCLoud, CRT

JUL 15, 2023

(Pg. 1 of 13)  ccm

Dear The Civil Court And The U.S. Equal
Employment Opportunity Commission,

My name is Contessa CLARK McLond, CRT.

I have been an employee of the
Montgomery, ALABAMA VA AS A Respiratory
Therapist, CRT, since November 2009.

Please provide an Attorney to
represent me in this case?

I Am A 54 year old BLACK
female with Back And Feet
Disabilities.

The 180 days have been completed
with the DFO. All information is on
the public portal, Case # 2023000393.

June 1, 2023

2.
(un)

During the years of 2010 until 2014, I was forced to cover the Elst Campus in Tuskegee, Alabama, to complete the uncompleted job duties of Mr. Dylan Jones. Mr. Joe Lynn, (Cardiopulmonary Manager and Mr. John Weaver, RRT, Lead Respiratory Therapist explained to me, Contessa McClelland, that if I did not complete my job duties as well as the uncompleted job duties of Mr. Dylan Jones, CRT, they were going to write me up. Both Mr. Lynn and Mr. Weaver allowed Mr. Jones to leave duty even though we were scheduled to be on duty on the Tuskegee VA campus until 6:00 pm.

JUL 15, 2023

3

(Cin)

During my initial VA Health check with Mrs. LoveLynn, RN, Occupational Health, 2009, I had explained that I had a right foot surgery, years prior to 2009.

Also, in 2010/2011, I explained to both Mr. Lynn and Mr. Weaver of the swelling and pain in my feet. It was painful to walk. Mr. Lynn and Mr. Weaver laughed at me and again explained to me, "that they would write me up if I did not complete my job duties as well as the uncompleted job duties of Mr. Dylan Jones, CRT." After many visits to Mrs. Dyer, NP, Occupational Health, she ordered a VA xray of my feet in 2014.

Jul 15, 2023

4
cum

The VA X-Ray report of Hungland's
Deformity in both of my feet.

Also in 2015, I prevented Our 300+
pound Veteran from falling in the
VA Nursing Home on August 1, 2015.

On this day August 1, 2015, MANY VA
Nursing home employees were sitting
outside on the smoke porch with
Some Veterans. I did not see ANY

VA employees to help me prevent our
300+ pound veteran from falling.

Our Veteran was trying to walk up
the hallway when he started to fall.
Without thinking of my own safety,
I ran to our 300+ pound veteran,

JUL 15, 2023

5.
CUN

Lowered my BACK underneath his chest/
Stomach Area to prevent him from falling.

Once Our Veteran was stable, I walked him
Back to his room. Our Veteran explained
to me that he kept calling on his
Bed Call Button for it Coke to drink.
He said that all the calls were
unanswered. Therefore, he decided to
walk up the hall to the refrigerator.
After, I was able to get in touch with
the Charge Nurse to care for Our
Veteran, care was provided to my
Back By Mrs. Wilford, RN, N.O.D., AND
Dr. Athey.

INC 15, 2023

6.

Dr. Athey gave me pain medication Com told me to go home and rest, but to visit Mrs. Dyer when I returned to duty for a VA X-Ray of my back. The VA X-Ray was completed of my back and the report revealed the damage to my lower back. Mrs. Dyer explained to me, (Contessa McCLOUD, "that it was good that I prevented our 300+ found Veteran from falling, but my back would never be the same again". I completed the computer and paperwork for my back for workman's comp and wrote the Dept. of Labor twice. Even called the Dept. of Labor. However, I never received

JUL 15, 2023 7.

The medical paperwork for AN ON (RM)
the VA job injury. During the
years since 2015, I would go to
the Doctor AND to my personal Doctor
to receive care of my back. Each
and every time, it was explained to
me that I must have the medical
paperwork from the Dept. of Labor.

Thankfully, in 2022, Medical Center
Plus took x-rays of my Back, Pelvic
region and feet. Medical Center Plus
then explained to me, Contessa McLeod,
that I should have a second right
foot surgery, before it got any worse.
Also, Medical Center Plus explained to
me of the damage to my Lower Back.

JF 15, 2023

S.
(Cum)

Medical Center Plus explained to me, Contessa McCLOUD, OF A needed SPINAL Fusion BACK Surgery. MEDICAL Center Plus allowed me to attend A Three month BACK Therapy program, trying to prevent A SPINAL Fusion BACK Surgery. But they explained that the BACK Therapy program may not prevent my needing A SPINAL Fusion BACK Surgery.

The reason for this case is because my foot surgeon, Dr. Thomas completed A VA RA Form in July 2021, asking the VA to allow me, Contessa McCLOUD, to work eight hour

9.
(cm)

Shifts, Due to the condition
of my feet.

Dr. Howard, Cardiopulmonary Manager
Sexually Harassed me, Contessa McCLOYD, CRT,
on August 5, 2021. Then I met with
Mrs. Alford, EEO Manager and completed
an Report of Contact on August 5, 2021.
Then Dr. Howard Denied my VA Foot
RA. I then followed the VA Chain
of Command. Both Dr. Alkurabi; and
Dr. Weaver Denied my VA Foot RA.
Dr. Alkurabi and Dr. Weaver Allowed me
a foot stool and two extra fifteen
minute Breaks.

Please Note, Dr. Howard sent a VA email to
Ms. Knight-Russell of DENIED of my VA Foot RA
on August 5, 2021 at 3:58pm, (Page 000440).

JUL 15, 2023 10.
(CCW)

I signed this paperwork, because I thought that this was the end of the VA Chain of Command. After this paperwork was signed, my Attorney from the Special Counsel explained to me that I could reach out to the Merit Board. I did reach out to the Merit Board.

Since 2010/2011, I have now been in touch with ORM, EEO, ORMDI, Special Counsel, Merit Board, The DFO AND NOW, 2023, I need the help from the Civil Court.

5/15/2023

11.

(cum)

I, Contessa McLonn, CRT
AM ASKING the civil court For:

- 1) A Lump Sum OF monies
for PAIN AND Suffering,
- 2) A Lump Sum OF Punitive Damages,
- 3) For me to quickly begin working
Eight Hour Day shifts. (I have
Been working Dayshifts at the
VA, Since March 2010.)
- 4) For the Montgomery / Tuskegee VA
to pay the now AND All future
Medical Bills that concern my
Feet AND BACK.
- 5.) For me to get off duty
at 3:00 PM for one pay

12.
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Month, For me to receive A Spine AND Feet Alignment from Medical Center Plus. (This is A wonderful Lifetime gift from Medical Center Plus for My having Completed the Three month back program From May until August of 2022.)

6.) for the Montgomery/Tuskegee VA to pay ALL Court And Legal fees.

Thank you,

Contessa Clark McCloud, CRT

NOTICE OF APPEAL/PETIT
TO THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
 OFFICE OF FEDERAL OPERATIONS
 P.O. Box 77960
 Washington, DC 20013

Complainant Information: (Please Print or Type)

Complainant's name (Last, First, M.I.): MCCLOUD, Contessa C.
 Home/mailing address: 4315 GOLF CLUB DR Apt 1112
 City, State, ZIP Code: AUBURN, AL 36830
 Daytime Telephone # (with area code): 334 744 3028
 E-mail address (if any): C.MCCLOUD1968@gmail.com

Attorney/Representative Information (if any):

Attorney name: N/A Please provide AN Attorney?
 Non-Attorney Representative name: _____
 Address: _____
 City, State, ZIP Code: _____
 Telephone number (if applicable): _____
 E-mail address (if any): _____

General Information:

Name of the agency being charged with discrimination: CENTRAL ALABAMA Health Care
VA Montgomery and Tuskegee (619)
 Identify the Agency's complaint number: 619
 Location of the duty station or local facility in which the complaint arose: Tuskegee and Montgomery
 Has a **final action** been taken by the agency, an Arbitrator, FLRA, or MSPB on this complaint? ☒ Yes; Date Received MAY 26 2023 (Remember to attach a copy)
☐ No
☐ This appeal alleges a breach of settlement agreement
 Has a complaint been filed on this same matter with the EEOC, another agency, or through any other administrative or collective bargaining procedures? ☐ No
☒ Yes (Indicate the agency or procedure, complaint/docket number, and attach a copy, if appropriate) # 202 3000393
2001-619-2022-143828
 Has a civil action (lawsuit) been filed in connection with this complaint? ☐ No
☒ Yes (Attach a copy of the civil action filed) filing Today

NOTICE: Please attach a copy of the final decision or order from which you are appealing. If a hearing was requested, please attach a copy of the agency's final order and a copy of the EEOC Administrative Judge's decision. Any comments or brief in support of this appeal **MUST** be filed with the EEOC and with the agency within 30 days of the date this appeal is filed. The date the appeal is filed is the date on which it is postmarked, hand delivered, or faxed to the EEOC at the address above.

Signature of complainant or complainant's representative:

Date: JUNE 17, 2023

Contessa Clark McCloud, CRT

PRIVACY ACT STATEMENT

(This form is covered by the Privacy Act of 1974. Public Law 93-597. Authority for requesting the personal data and the use thereof are given below.)

1. **FORM NUMBER/TITLE/DATE:** EEOC Form 573, Notice of Appeal/Petition, January 2001
2. **AUTHORITY:** 42 U.S.C. § 2000e-16
3. **PRINCIPAL PURPOSE:** The purpose of this questionnaire is to solicit information to enable the Commission to properly and efficiently adjudicate appeals filed by Federal employees, former Federal employees, and applicants for Federal employment.
4. **ROUTINE USES:** Information provided on this form will be used by Commission employees to determine: (a) the appropriate agency from which to request relevant files; (b) whether the appeal is timely; (c) whether the Commission has jurisdiction over the issue(s) raised in the appeal, and (d) generally, to assist the Commission in properly processing and deciding appeals. Decisions of the Commission are final administrative decisions, and, as such, are available to the public under the provisions of the Freedom of Information Act. Some information may also be used in depersonalized form as a data base for statistical purposes.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION:** Since your appeal is a voluntary action, you are not required to provide any personal information in connection with it. However, failure to supply the Commission with the requested information could hinder timely processing of your case, or even result in the rejection or dismissal of your appeal.

Send your appeal to:

The Equal Employment Opportunity Commission
Office of Federal Operations
P.O. Box 77960
Washington, D.C. 20013

During the Coronavirus National Emergency, EEOC OFO does not have access to U.S. Mail; rather, they ask that all submissions and communications from complainants be digital, via the Public Portal/FEDSEP at <https://publicportal.eeoc.gov/Portal/Login.aspx>

For more Commission information and resources, please go to the EEOC's COVID-19 information links at: <https://www.eeoc.gov/coronavirus/>